

Attachment 3 - Technical Exhibit

Field Test Report on the Performance of Cell VK124

ALLTEL and GTE Wireless, its predecessor in the Mobile Alabama MSA, have monitored the signal from the Bachow/Coastal VK124 cell site on a number of occasions and under varying circumstances.¹ VK-124 is located approximately 26 miles due south of the beachfront at Ft. Morgan, Alabama. The current authorization for the VK-124 cell (FCC File No. 0000076194) shows a 27 dBu SAB contour to within 1.2 miles of the beach at Ft. Morgan. A pending application seeks authority to further extend the 27 dBu contour closer to shore and to intrude slightly into the barrier island. (See FCC File No. 0000188467). During attempts to monitor the signal from VK124 from the beach and from the Gulf Shores Beach cell with a high gain directional antenna mounted at 90' AGL to determine if the site was in operation, the signal was never observed above the background noise level.

On February 24, 1998 GTE Wireless sent a performance engineer equipped with test equipment to determine the signal strength of the VK-124 site from a location approximately six miles into the Gulf. The results of these tests were presented to the Commission's staff at an Ex Parte meetings held on March 5th and March 19th, 1998² and demonstrated that the signal from VK124 was too weak to provide any service to the public in the coastal waters of the Gulf near Mobile, including Ft. Morgan. A GTE land based cell located more than 18 miles from the coastline border and showing no SAB contour extension into the Gulf was weak, but still stronger than the signal from VK124 in the area of the Gulf in which capture of traffic was in controversy. The simple technical reason that the GTE cell was stronger was because VK 124 at 108' above the water was "over the horizon" and the GTE cell was well within the horizon of the 30-foot antenna used for the test. Given its location approximately 25.6 miles south of the coastline, VK124 is over the radio horizon for a hand held mobile unit operating on the beach (i.e. approx. 6 feet above sea level) by approximately 7.5 miles. (See GTE Ex Parte Letter and Attachments thereto, appended as Exhibit 3 hereto.) The Gulf of Mexico SAB equation grossly overstates the useable coverage from a Gulf cell to a hand-held mobile unit due to the fact that the 22.912(a)(2) water based formula only accurately predicts the area of coverage for a receive antenna operating at a height of approximately 30 feet above sea level. The radio horizon for a transmit antenna at 108' (14.69 miles) and a receive antenna at 30 feet is 22.44 miles. The 27/28 dBu contour from VK124 is 24.39 miles or almost 2 miles (1.95) past the radio horizon for a 30 foot antenna.

On September 29, 1999 another survey was performed and it was determined that VK124's signal could not be measured from the beach on Ft. Morgan or from a high gain antenna mounted at 90' above the ground at the Gulf Shores Beach cell site and oriented

¹ Other than the more formal test referenced below, these tests were of an informal nature and other than casual references, no underlying data was retained by the former licensee of the Block B frequencies in the Mobile, Ala. market. Further, the engineer responsible for the testing is no longer employed by either the former or current licensee of the Block B frequencies in the Mobile market.

² See March 6, 1998 Letter of Whitney Hatch, GTE Services Corporation and March 19, 1998 Letter of May Chan, GTE Services Corporation, and attachments thereto.

toward what was believed at the time (on the basis of current FCC filings) to be the VK124 coordinates. This test showed that the Block B Gulf licensee had changed the setup channel assignment of the VK124 cell with no frequency coordination with GTE and, most importantly, disclosed that the cell was not at the location authorized, but at a point 1.22 miles further from the shore. When brought to the attention of Coastel at a FCC Enforcement branch meeting, Coastel denied that the cell was at a different location than indicated in its application, but several days later filed an amendment stating that an incorrect survey was used in the initial filings. However, the survey document included in the amendment was dated one year earlier than the initial filing and did show the correct coordinates, which had not been reflected in the original filing. (See FCC File No. 0000076194 and waiver request therein)

A third survey of VK124 was undertaken by ALLTEL on November 20, 2000. This survey included "drive test data" from a boat and photographs of the installation of the VK124 cell site. ZK-SAM, industry standard drive test equipment was used for the test. This equipment was new and factory calibrated for the test. When the engineers arrived at the gas rig where VK124 is located, one control channel was in operation and no voice traffic was being served. To determine how many voice channels were available, calls were placed from the boat until the cell refused any more traffic by shutting down its control channel. Shut down of the control channel occurred with just two voice channels in service. After two calls were placed, the control channel left the air and did not come back on until the two test calls were dropped by the cell at a distance of 2.5 miles north of the cell. The drive test report shown in Exhibit 2, shows the voice channel signal strength from the cell to 2.5 miles north, and the control channel from 2.5 miles north until the signal faded at a location 15 miles north of the VK-124 cell site as shown on the exhibit. The first call was served on channel 364 and the second on channel 404.

Photographs show that the antennas for the VK124 cell are side mounted on a very steel intensive structure, a production gas rig owned by Enron. Attached as Exhibit 3 is a photograph of the only 800 MHz omni-directional antennas on the gas rig. Although the Commission's rules require that pattern distortion for side mounted omnidirectional antennas be considered in FCC filings, Coastel has made no attempt to file the proper patterns with the Commission, but rather has filed as if the antennae were mounted in free space. See FCC file No. 0000076194. The result is a cell that can only provide service to a portable phone on a boat up to 2.5 miles from the cell, which is located 25.6 miles from shore.

Also, the signal from the VK124 faded below the threshold of the test equipment at 15 miles north of the cell at a point approximately 11 miles south of the Ft. Morgan beach. The survey indicated that the VK124 cell site does not provide any reliable service to users within the vast majority of the area contained within the service contour submitted as part of FCC File No. 0000076194 attached hereto as Exhibit 4. Based upon the methodology and given the findings it is believed that the cell operates at 25 watts power and that, given the configuration of the back haul antenna, the cell operates as a "repeater" and is of limited capacity as a matter of configuration. The fact that only two voice channels were in operation shows that not very much traffic is expected. At a P.02

grade of service using the Erlang B equations, two channels can support 0.22 Erlangs or 13.2 minutes of service per hour.

The gist of the matter is that VK-124 operates in practice at a distinct variance from the manner in which its operations have been represented in various FCC filings. The import of VK-124's recent operations is that it is incapable of providing service to the coastal areas of the Gulf. Again, as noted above, even were VK-124 to be operating in accordance with the information on file for the site, it is incapable of providing service to coastal areas due to the physical principles of the radio horizon.

I hereby certify, under penalty of perjury, that the above matters are true and correct to the best of my knowledge, information and belief.

Robert Hines

Robert Hines

Radio Frequency Engineer

Dated: 2/16/01

Exhibit 1: Drive Test Results

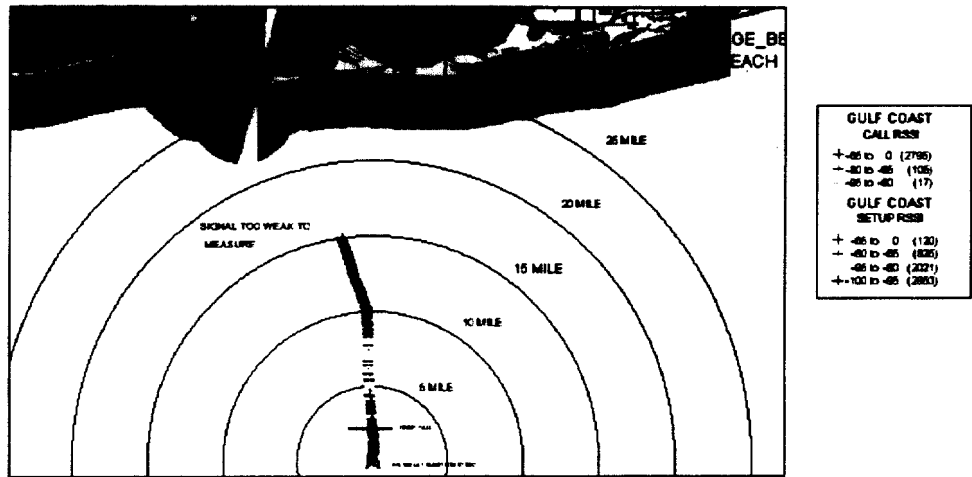


Exhibit 2: Cellular Antennas on VK124

Cellular Antennas

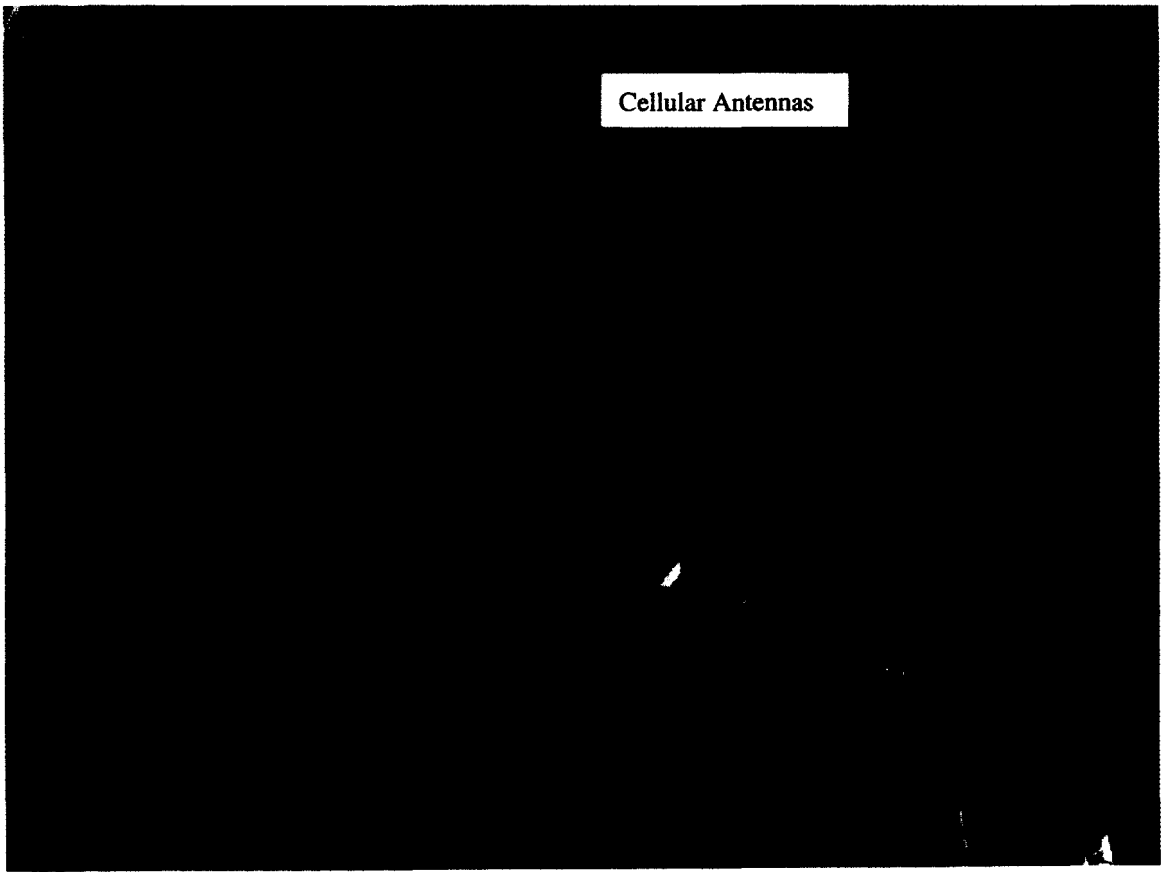


EXHIBIT 3

3/9/98

Whitney Hatch
Vice President
Regulatory Affairs



RECEIPT

GTE Service Corporation

1850 M Street N.W., Suite 1200
Washington, D.C. 20036-5601
202 463-5290
Fax: 202 463-5239

March 6, 1998

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED
MAR - 6 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE: WT Docket No. 97-112 - Cellular Service and other CMRS in the Gulf of Mexico

Dear Ms. Salas:

On March 5, 1998 representatives of GTE Service Corporation and GTE Wireless met with David Wye, Linda Chang, Steve Markendorff and Wilbert Nixon of the Wireless Telecommunications Bureau to discuss GTE's position in the above-captioned proceeding, as provided in earlier comments, and to review cellular coverage and interference issues in Mobile, Alabama. The attached material was used to illustrate the difficulties inherent in the Commission's proposed rules for cellular operators providing service along the Gulf of Mexico.

Please incorporate this information into the record of the above-captioned proceeding. In accordance with Section 1.1206(b)(1) of the Commission's Rules, two copies of this notice are being filed with the Secretary of the FCC.

Please call me if you have any questions.

Sincerely,

Whitney Hatch

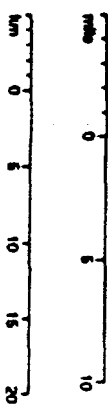
Attachment

c: L Chang
S. Markendorff
W. Nixon
D. Wye

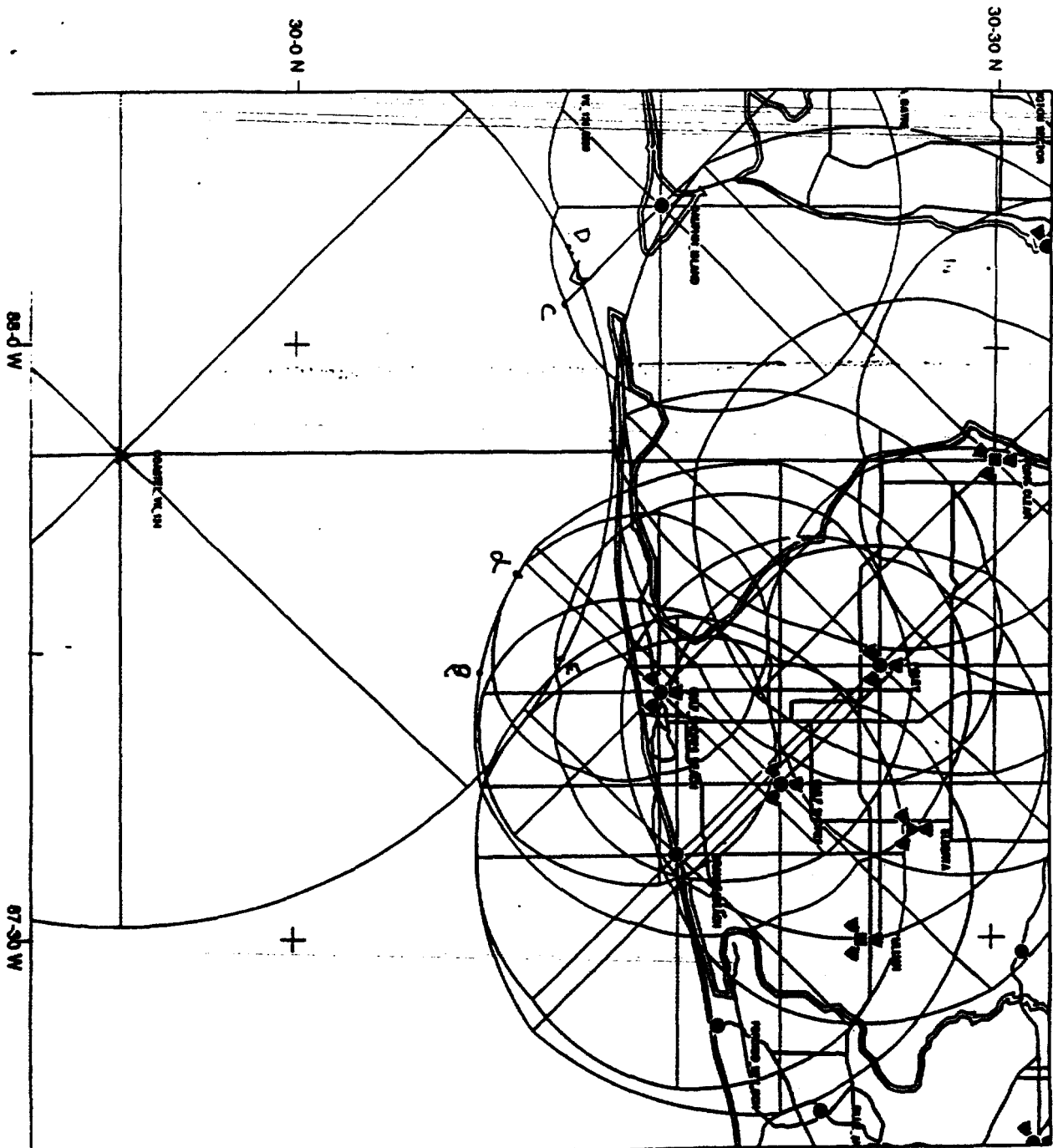
Signal Surveys		Gulf of Mexico		24-Feb-98		Relative Readings, Line Loss not accounted for		Cell Distance from Shoreline
Time	Waypoint	Coordinates		Setup	6 ft 0 dBD mast mounted antenna	30 ft 0 dBD mast mounted antenna		
				Ch	-dBm	-dBm		
5:05 PM	A.	30-09-42 N	GTE Gulf Shores-Gamma	348	96	69		6 miles north
		87-48-58 W	TE Gulf Shores Beach-Gamm	346	97	71		1.2 miles north
			GTE Point Clear - Beta	342	103	79		18.5 miles north
			GTE Foley - Beta	341	103	81		12.5 miles north
			VK-124	351	114	91		25 miles south
5:55 PM	C.	30-11-20 N	GTE Foley - Gamma	350	92	72		
		88-02-01 W	GTE Point Clear - Gamma	338	98	74		
			GTE Dauphin Island - Omni	344	101	76		
			GTE Gulf Shores Beach - Beta	335	106	76		
			VK-124	351	<	<		107 W, 112 S, 103 SE Yagi
6:15 PM	D.	30-11-32 N	GTE Dauphin Island - Omni	344	92	69		
		88-04-34 W	GTE Point Clear - Gamma	338	97	72		
			GTE Foley - Gamma	350	97	72		
			GTE Gulf Shores Beach - Beta	335	100	76		
			VK-124	351	<	<		102 SSE Yagi
7:05 PM	B.	30-07-53 N	GTE Gulf Shores-Gamma	348	96	69		
		87-43-40 W	TE Gulf Shores Beach-Gamm	346	99	71		
			GTE Point Clear - Beta	342	107	76		
			GTE Foley - Gamma	350	106	80		
			VK-124	351	<	<		102 SW Yagi
7:28 PM	E.	30-11-47 N	GTE Gulf Shores-Gamma	348	92	66		
		87-45-08 W	TE Gulf Shores Beach-Gamm	346	96	66		
			GTE Gulf Shores Beach - Beta	335	99	72		
			GTE Point Clear - Beta	342	104	76		
			VK-124	351	113	85		97 W, 112 SW, 100 S Yagi

PENSACOLA MOBILE 400M
 GRANET V or 2.4.0.1
 Map # 88
 UTM zone 16
 User ID: goldwing
 Wed Mar 4 07:40:48 1998

Scale 1:500,000



CITR Mobile of Florida Inc.
 600 N. Westshore Blvd., Ste 900
 Tampa, FL 33609



32 and 27 dBu Contours for Mobile

30-30 N

30-0 N

88-0 W

87-30 W

PENSACOL_MOBILE_400M
GRANET Ver 2.4.0.1
Map # 88
UTM zone 16
User ID: goldwing
Wed Mar 4 07:31:41 1998

Sector/Site

0 BLUE_ANGEL
0 COASTEL_VK_124
0 DAUPHIN_ISLAND
1 DOG_RIVER
3 DOG_RIVER
1 ELBERTA
2 ELBERTA
3 ELBERTA
1 FOLEY
2 FOLEY
3 FOLEY
1 GULF_SHORES
2 GULF_SHORES
3 GULF_SHORES
1 GULF_SHORES_BEACH
2 GULF_SHORES_BEACH
3 GULF_SHORES_BEACH
1 LILLIAN
2 LILLIAN
3 LILLIAN
0 ORANGE_BEACH
0 PERDIDO_KEY_BCH
1 POINT_CLEAR
2 POINT_CLEAR
3 POINT_CLEAR
0 SEMINOLE
1 WEST_PENSACOLA
2 WEST_PENSACOLA
3 WEST_PENSACOLA

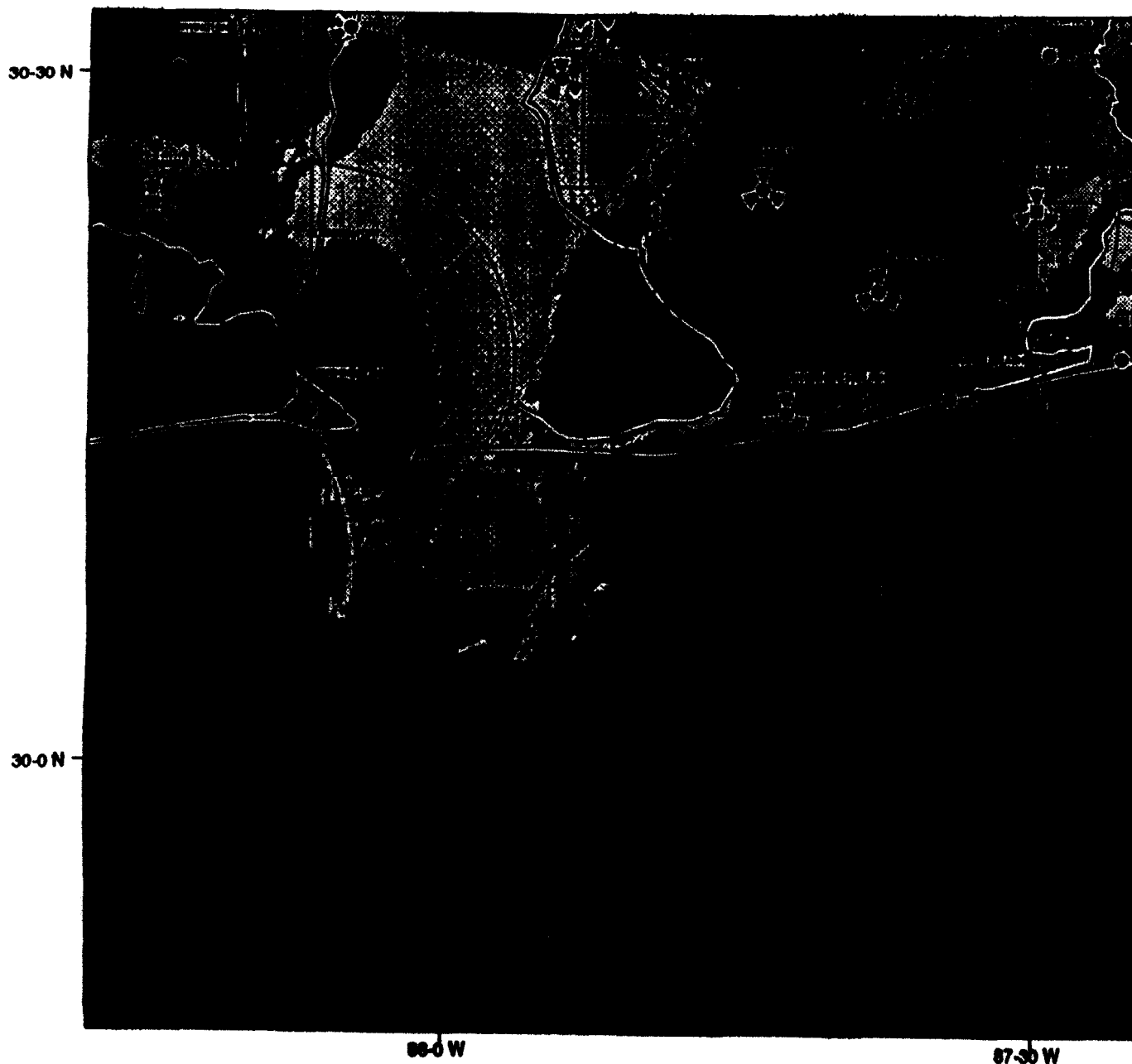
Scale 1:500,000

0 5 10
miles

0 5 10 15 20
km

GTE Mobilnet of Florida Inc.
600 N. Westshore Blvd., Ste 900
Tampa, FL 33609

1. = 87 48 58W 30 09 42N 7.45 MI SW M035
 2. = 87 43 40W 30 07 53N 8.89 MI SW M035
 3. = 88 02 01W 30 11 20N 8.59 MI S.E M028
 4. = 88 04 34W 30 11 32N 4.89 MI S.E M028
 5. = 87 45 08W 30 11 47N 5.14 MI S.W M035



GULF COAST EOY98
 GRANET Ver 2.3.1 [Build 17]
 Map # 88
 UTM zone 16
 User ID: goldwing
 Mon Jan 19 07:38:19 1998

Sector/Site

- 0 ALABAMA_PORT
- 1 BAYOU_LA_BATRE
- 2 BAYOU_LA_BATRE
- 3 BAYOU_LA_BATRE
- 0 COASTEL_VK_124
- 0 DAUPHIN_ISLAND
- 1 DOG_RIVER
- 3 DOG_RIVER
- 1 FOLEY
- 2 FOLEY
- 3 FOLEY
- 1 GULF_SHORES
- 2 GULF_SHORES
- 3 GULF_SHORES
- 1 GULF_SHORES_BEACH
- 2 GULF_SHORES_BEACH
- 3 GULF_SHORES_BEACH
- 0 IRVINGTON
- 1 LILLIAN
- 2 LILLIAN
- 3 LILLIAN
- 0 ORANGE_BEACH
- 0 PERDIDO_KEY_BCH
- 1 POINT_CLEAR
- 2 POINT_CLEAR
- 3 POINT_CLEAR
- 0 SEMINOLE

Scale 1:500,000

0 5 10

0 5 10 15 20

GTE Mobilnet of Florida Inc.
 600 N. Westshore Blvd., Ste 900
 Tampa, FL 33609

EXHIBIT B
Page 1 from March 5 Ex Parte Attachments

Signal Surveys			Gulf of Mexico		24-Feb-98	Relative Readings, Line Loss not accounted for			
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			GTE Gulf Shores Beach - Beta	335	99	72			
			GTE Point Clear - Beta	342	104	76			
			VK-124	351	113	86	97 W, 112 SW, 100 S Yagi		

<> Indicates signal was
very unstable

<> Indicates signal was
very unstable

EXHIBIT C
Affidavit of Robert J. Hines

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Bachow/Coastel, L.L.C.
Complainant

v.

GTE Wireless of the South, Inc.
Defendant.

)
)
)
)
)
)
)

File No. WB/ENF-F-98-005

AFFIDAVIT OF ROBERT J. HINES

I, Robert J. Hines, declare the following:

1. I am Radio Engineer for GTE Wireless Incorporated ("GTE"). My responsibilities include designing cell sites, monitoring performance of cell sites, and performing traffic engineering studies for GTE's Mobile, Alabama market. As part of my responsibilities, I am familiar with the Complaint filed against GTE by Bachow/Coastel and the request made by Complainants that GTE remove certain SAB overlaps of GTE's cell sites with Bachow/Coastel's VK-124 cell site.

2. I have read the Answer of GTE Wireless of the South, Inc. in File No. WB/ENF-F-98-005, the complaint filed with the Commission by Bachow/Coastel, L.L.C.

3. I confirm the statements in the Answer with respect to: (a) the statements in Paragraphs 8-12 regarding the service area boundaries ("SABs") of GTE's Gulf Shores, Gulf Shores Beach, and Dauphin Island cell sites; (b) the statements in Paragraph 15 regarding the effect complying with Complainant's request would have on GTE's coverage in the Mobile market; (c) the statement in

Paragraph 16 regarding parts of the overlap area being beyond the radio horizon from Complainant's VK-124 cell site; (d) the statements in Paragraph 17 regarding the "best server" plots in the overlap area measuring the signals from 4 GTE cell sites and from Complainant's VK-124 cell site, and the conclusion that GTE would still be the best server in the overlap area even if it removed the SABs of the Gulf Shores and Gulf Shores Beach cell sites from the Gulf of Mexico Service Area ("GMSA"); (e) the statements in Paragraph 18 describing a December 4, 1997, conversation between Mr. Robert Ivanoff and myself discussing the extension by Complainant's VK-124 cell site into GTE's cellular geographic service area ("CGSA"); and (f) the statements in Paragraph 21 regarding the effect Complainant's collocation proposal would have on GTE's ability to serve its customers in the Mobile market.

4. I also confirm the best server measurements taken by GTE on February 24, 1998, relied upon by GTE in Paragraph 17 of the Answer, and attached as Exhibit K.

5. I confirm, further, the information contained in the attached fact sheet regarding (a) the effect of withdrawing GTE's SABs on GTE's coverage in the Mobile market; (b) the calculations confirming that Complainant's VK-124 cell site is beyond the radio horizon; and (c) the effect of Complainant's collocation request on GTE's coverage in the Mobile market.

6. The information in this Affidavit is true and correct to the best of my knowledge and belief.

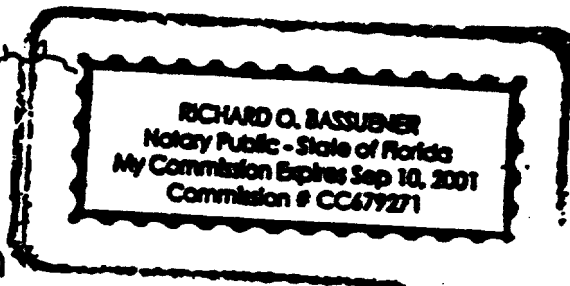
Robert J. Hines
Robert J. Hines

Subscribed and sworn to before me this 8th day of September, 1998.

Richard O. Bassumer

My commission expires:

September 10, 2001



Facts for Coastel FCC Complaint

1. Traffic Considerations if the cells under discussion are turned off

Data is from GTE's NETIS tracking system for the month of July 1998.

Dauphin Island cell:

105,612 Minutes of Use for the month

73,180 Calls for the month

Gulf Shores Beach; all three sectors:

514,103 Minutes of Use for the month

349,912 Calls for the month

Gulf Shores; Only Sectors 2 and 3 (120 and 240 degree sectors)

314,052 Minutes of use for the month

291,679 Calls for the month

Note: Gulf Shores cell only considers the two sectors that have any contour in the Gulf.

Totals:

Minutes of Use-933,767 for July '98

Calls Handled-714,771 for July '98

Assuming that the Gulf Shores Beach cell is turned off, since the minimums in the Carey equation show about a three mile incursion into the Gulf with only the alpha sector (0 degree face) operating at 1 watt ERP and beta and gamma turned off completely, the power of Gulf Shores beta and gamma faces would have to be reduced to 1 watt ERP. This would result in most of Gulf Shores Beach receiving No Service. The impact on the system would be to totally remove the minutes of use for the Gulf Shores Beach cell and to reduce the minutes from the Gulf Shores cell beta and gamma sectors to about 20% of the traffic seen with the power set at 150 watts ERP, its currently licensed power. The conclusion, therefore, is that all Gulf Shores Beach traffic would be reduced to zero and the Gulf Shores beta and gamma traffic would be reduced to 20% of the July measured traffic. In addition, the power reduction necessary to remove the Dauphin Island would result in a reduction to about 90% of the traffic seen at that site. Based on the July, 1998 numbers then, complying with Coastel's request will result in a loss of approximately 775,906 minutes of use per month and 590,573 calls per month.

2. Line of Sight for Coastel and GTE cells

Coastel cannot be the best server near the coast due to their cell being over the radio horizon for mobile units with 30' antennas above the water, and GTE cells, 12 and 18 miles distant with no contour into the Gulf, being well within the radio horizon of the ship. Radio engineers are aware that "over the horizon propagation" is very lossy.

The 27 dBu service area contour from the VK-124 cell is 24.12 miles, which puts that contour approximately 0.4 miles south of the Gulf Shores Beach coastline. The radio horizon is calculated as follows:

VK124 antenna center line above mean sea level(AMSL)=107 feet

Radio Horizon = $\sqrt{2 \times 107} = 14.63$ miles

Mobile antenna at 30' AMSL

Radio Horizon = $\sqrt{2 \times 30} = 7.75$ miles

Total Line of Sight Distance from VK-124 = $14.63 + 7.75 = 22.37$ miles

VK-124 Distance past radio horizon = $24.12 - 22.37 = 1.75$ miles at service area boundary

GTE Foley cell antenna center line 321' AMSL

Radio Horizon = $\sqrt{2 \times 321} = 25.34$ miles

Mobile antenna at 30' AMSL

Radio Horizon = $\sqrt{2 \times 30} = 7.75$ miles

Total Line of Sight Distance from Foley = $25.34 + 7.75 = 33.09$ miles

Coastline 12 miles south of cell

Foley line of sight into Gulf $33.09 - 12 = 21.09$ miles into Gulf with no contour extension

GTE Point Clear cell antenna center line 350' AMSL

Radio Horizon = $\sqrt{2 \times 350} = 26.46$ miles

Mobile antenna at 30' AMSL

Radio Horizon = $\sqrt{2 \times 30} = 7.75$ miles

Total Line of Sight Distance from Point Clear = $26.46 + 7.75 = 34.21$ miles

Coastline 18 miles south of cell

Point Clear line of sight into Gulf $34.21 - 18 = 16.21$ miles into Gulf with no contour extension

Field testing of the VK-124 and GTE land-based cells was performed successfully on February 24, 1998 and submitted to the FCC at the Ex Parte meeting on March 5, 1998. Tests proved that signals from GTE land-based cells with NO service contour extensions into the Gulf were the "Best Server" with a minimum of 10 dB stronger signals for at least four miles into the VK-124 service area contour. This is to be expected when the Gulf Service Area Contour uses a different calculation for the boundary. The tests also confirmed that the signal in the Gulf from the new Gulf Shores Beach cell were no stronger than that from the "Grandfathered" Gulf Shores cell.

3. Coastel's Collocation Proposal

Coastel is pushing co-location with land-based carriers, but this will inevitably cause much more capture of land-based traffic by the Gulf carrier located on land than the land carrier ever could ever capture from the Gulf carrier due to the sheer number of

subscribers on the land versus the water-based subscribers. In this instance, between the Gulf Shores Beach cell site located 1.1 miles north of the barrier islands low tide mark and the low tide mark, there are several roads that carry much vehicular traffic, residences, businesses, hotels and motels. In fact, the two sectors that serve the barrier island southeast and southwest of the cell (the 120 and 240 degree sectors), carry 362,310 minutes of use per month based on July, 1998 traffic reports. If Coastel were allowed to cover the south half of this cells coverage, there would be 226,648 calls per month of land based traffic that would require roamer settlements, toll settlements, and customer service problems with roaming complaints. This would be an untenable situation for the land carrier.

Robert J. Hines

Robert J. Hines-Radio Engineer, GTE Wireless
September 2, 1998

EXHIBIT 4

FCC 601 Main Form	FCC Application for Wireless Telecommunications Bureau Radio Service Authorization	Approved by OMB 3060 - 0798 See instructions for public burden estimate Submitted 01/10/2000 at 01:00PM File Number: 0000076194
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1) Radio Service Code: CL	1a) Existing Radio Service Code:
2) Application Purpose: Modification	
3a) If this request is for a Developmental License, Demonstration License, or a Special Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter N (Not Applicable).	(N) D M S N/A
3b) If this request is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	() Yes No
4) If this request is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number:
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Call Signs, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.	Call Sign: KNKA412
6) If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	
7) Is this request "major" as defined in Section 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of Section 1.929)	(N) Yes No
8a) Does this filing request a Waiver of the Commission's Rules? If 'Yes', attach an exhibit providing the rule numbers and expanding circumstances.	(Y) Yes No
8b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.	1
8c) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, functionally integrated with an existing station?	() Yes No
9) Are attachments being filed with this application?	(Y) Yes No

Applicant Information

10a) Taxpayer Identification Number: L00126981		10b) SGIN: 000	10c) FCC Registration Number (FRN):
11) Licensee is a(n): Corporation			
12) First Name (if individual):	MI:	Last Name:	Suffix:
13) Entity Name (if other than individual): BACHOW/COASTEL, LLC COASTEL COMMUNICATIONS COMPANY			
14) Name of Real Party in Interest of Applicant:			
15) Taxpayer Identification Number:			
16) Attention To: ROBERT IVANOFF, VICE PRESIDENT			
17) P.O. Box:	And/Or	18) Street Address: 3 BALA PLAZA EAST, SUITE 602	
19) City: BALA CYNWYD	20) State: PA	21) Zip: 19004-	
22) Telephone Number: (610)660-4900		23) FAX: (610)660-4930	
24) E-Mail Address:			

Contact Information (If different than applicant)

25) First Name: STEVEN	MI: J	Last Name: HAMRICK	Suffix: ESQ
26) Entity Name: FLEISCHMAN AND WALSH, LLP			
27) P.O. Box:	And/Or	28) Street Address: 1400 SIXTEENTH STREET NW, SUITE 600	
29) City: WASHINGTON	30) State: DC	31) Zip: 20036-	
32) Telephone Number: (202)939-7972		33) FAX: (202)688-0096	
34) E-Mail Address:			

Regulatory Status

35) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):	<input checked="" type="checkbox"/> (Yes) Common Carrier <input type="checkbox"/> () Non-Common Carrier <input type="checkbox"/> () Private, internal communications <input type="checkbox"/> () Broadcast Services <input type="checkbox"/> () Band Manager
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Type of Radio Service

36) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):	<input type="checkbox"/> () Fixed <input checked="" type="checkbox"/> (Yes) Mobile <input type="checkbox"/> () Radiolocation <input type="checkbox"/> () Satellite (sound) <input type="checkbox"/> () Broadcast Services
37) Interconnected Service? <input checked="" type="checkbox"/> (Y)Yes <input type="checkbox"/> No	

Fee Status

38) Is the Applicant exempt from FCC application fees?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
39) Is the Applicant exempt from FCC regulatory fees?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No

Alien Ownership Questions (If any answer is Yes, attach exhibit explaining circumstances.)

40) Is the applicant a foreign government or the representative of any foreign government?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
41) Is the applicant an alien or the representative of an alien?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
42) Is the applicant a corporation organized under the laws of any foreign government?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
43) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
44) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No

Basic Qualification Questions (If any answer is Yes, attach exhibit explaining circumstances.)

45) Has the applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
46) Has the applicant or any party to this application or amendment, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
47) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No
48) Is the applicant or any party directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?	<input type="checkbox"/> (N)Yes <input checked="" type="checkbox"/> No

49) Race, Ethnicity, Gender of Applicant/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

General Certification Statements

1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule. *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b) for the definition of 'party to the application' as used in this certification.
5) The applicant certifies that it either (1) has current Form 602 on file with the Commission, (2) is filing an update Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.

Signature

50) Typed or Printed Name of Party Authorized to Sign			
First Name: ROBERT	MI:	Last Name: IVANOFF	Suffix:
51) Title: VICE PRESIDENT - OPERATIONS			
Signature: ROBERT IVANOFF			52) Date: 01/10/00
Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, § 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, § 503).			

**FCC 601
Schedule D**

**Wireless Telecommunications Services Schedule for
Station Locations and Antenna Structures**

Approved by OMB
3060 - 0798
See 601 Main Form
Instructions
for public burden estimate

1) Action Requested: (A) Add Mod Del		2) Location Number: 34	
3) Location Description Code: F Fixed		4) Area of Operation Code:	
6) FCC Antenna Structure Registration # or N/A (FAA Notification not Required): N/A		5) Location Name:	
7) Latitude (DD-MM-SS.S): 29-51-29.8		8) Longitude (DDD-MM-SS.S): 87-54-33.0	
NAD83 (N)N or S		NAD83 (W)E or W	
9) Street Address, Name of Landing Area, or Other Location Description: 50 MILES SOUTHEAST OF			
10) City: PASCAGOULA		12) County: JACKSON	
13) Elevation of Site AMSL (meters) (a' in antenna structure example): 0.0		15) Overall Ht AGL With Appurtenances (meters) (c' in antenna structure example): 49.0	
14) Overall Ht AGL Without Appurtenances (meters) (b' in antenna structure example): 49.0			
16) Support Structure Type: RIG Oil or other rig			
17) Location Number: (only for Area of Operation Code 'A')		18) Radius (km):	
19) Airport Identifier:		20) Site Status:	
21) Maximum Latitude (DD-MM-SS.S): Use for rectangle only (Northwest corner)		22) Maximum Longitude (DDD-MM-SS.S): Use for rectangle only (Northeast corner)	
NAD83 (N)N or S		NAD83 (E)E or W	
23) Do you propose to operate in an area that requires frequency coordination with Canada?		() Yes No	
24) Description: (only for Area of Operation Code 'O')			
25) Number of Units: () Hand Held () Mobile () Temporary Fixed () Aircraft () Itinerant			
26) Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? See Section 1.1307 of 47 CFR. If 'Yes', submit an environmental assessment as required by 47 CFR, Sections 1.1308 and 1.1311.		(N) Yes No	
27) If the proposed site is located in one of the quiet zones listed in Item 17 of the Instructions, provide the date (mm/dd/yy) the proper authority was notified:			

FCC 601
Schedule F

Technical Data Schedule for the Cellular and Air-ground (Commercial Aviation) Radiotelephone Services (Part 22)

Approved by OMB
3060 - 0798
See 601 Main Form
Instructions
for public burden estimate

Cellular Unserved Area Information			
1) Identify whether this is a New or Modification application for a Phase I unserved area or a Phase II unserved area as defined by 47 CFR Section 22.949(a). If so, complete Items 2 through 5, as applicable.			() Phase I () Phase II
2) Market Designator	3) Market Name	4) Sub-Market Designator	5) Channel Block

Cellular System Identification Numbers			
6) If this is a request to generate new system identification numbers, enter the number of new system identification numbers requested. Also attach an exhibit explaining the circumstances and use of the requested system identification numbers.			
7) Action A/D	8) SID	7) Action A/D	8) SID

Control Points			
9) Action A/M/D	10) Control Point Number	11) Location Street Address, City or Town, County, State	12) Telephone Number

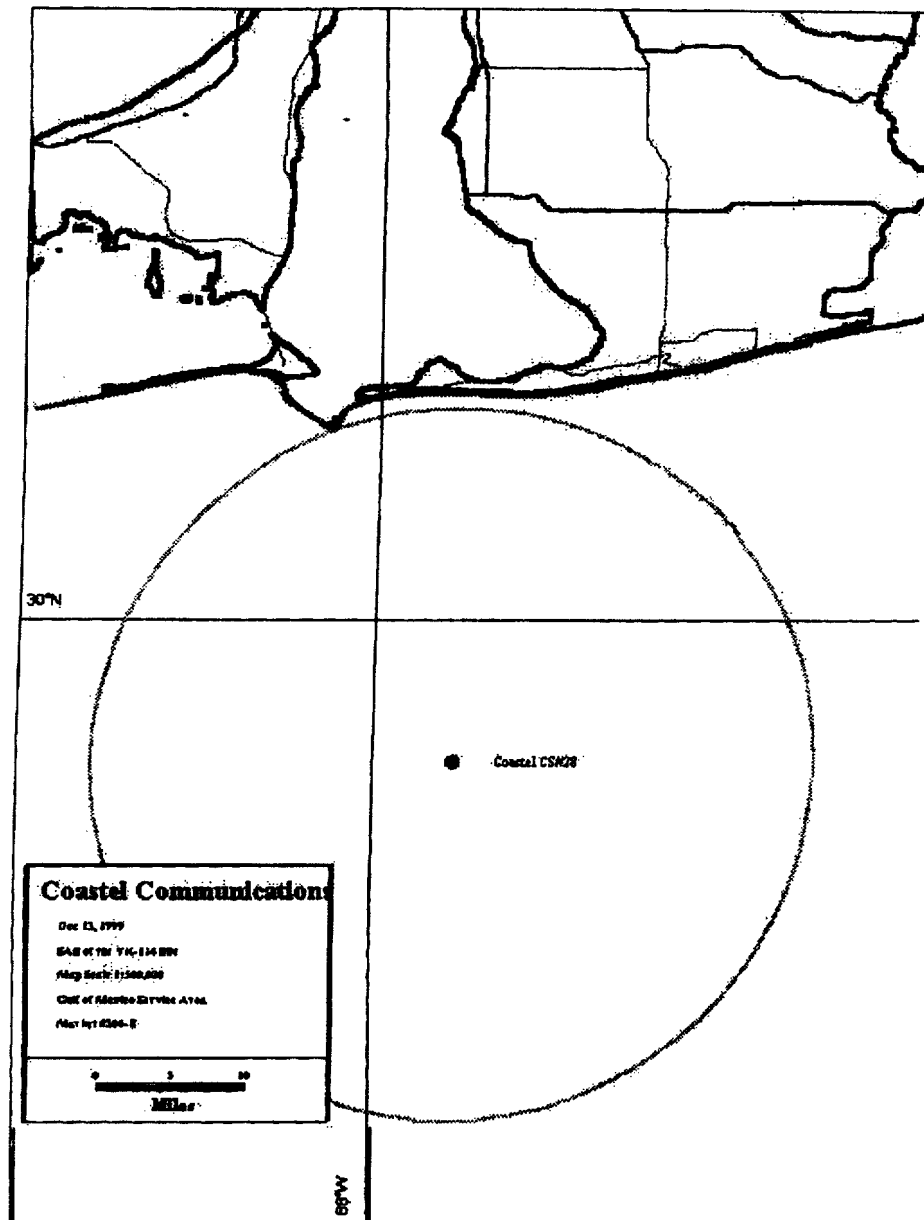
Commercial Air-ground Technical Parameters (Antenna Data)					
13) Action A/M/D	14) Channel Block	15) Location Number	16) Antenna Number	17) Height to Top of Antenna AGL (meters)	18) Maximum ERP (watts)

Cellular Radial Data			
19) Action: (A) <u>Add</u> <u>Modify</u> <u>Delete</u>		20) Location Number: <u>34</u>	21) Antenna Number: <u>1</u>
22) IF this location contributes to the CGSA, are you requesting that the CGSA boundary be determined using an alternative method? If 'Yes', attach an exhibit explaining circumstances.			(N) <u>Yes</u> <u>No</u>
Azimuth (degrees from true north)	23) Antenna Height AAT (meters)	24) Transmitting ERP (watts)	25) Distance to CGSA (kilometers)
0°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
45°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
90°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
135°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
180°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
225°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
270°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>
315°	<u>32.9</u>	<u>100.000</u>	<u>39.2</u>

I certify that (1) the maximum ERP for the proposed cellular base or repeater station will never exceed 500 Watts and (2) if the distance to the SAB as calculated in accordance with 47 CFR § 22.911 exceeds 79.1 km (45 miles) [Gulf of Mexico MSA] or 40.2 km (25 miles) [all other cellular markets], I have coordinated such use with the licensees of all affected cellular systems on the same channel block within 121 km (75 miles) and concurrence has been obtained from each licensee.

Attachment List

Attachment Type	Date	Description	Contents
Other	01/10/00	REQUEST FOR WAIVER	<u>17544004.0.pdf</u>



**WAIVER - EXPEDITED ACTION REQUESTED
RESPONSE TO ITEM 8(a) AND PUBLIC INTEREST STATEMENT**

Bachow/Coastel, L.L.C. ("Bachow/Coastel"), pursuant to section 1.925(b)(1), hereby requests a waiver of section 1.913(b) of the Commission's rules. Section 1.913(b) of the Commission's rules requires Bachow/Coastel to file the foregoing modification application electronically through the Commission's Universal Licensing System ("ULS"). As demonstrated herein, Bachow/Coastel respectfully submits that a grant of its waiver request would serve the public interest, convenience and necessity. "That an agency may discharge its responsibilities by promulgating rules of general application which, in the overall perspective, establish the 'public interest' for a broad range of situations, does not relieve it of an obligation to seek out the 'public interest' in particular, individualized cases."

In view of the unique and unusual factual circumstances of Bachow/Coastel's case, application of section 1.913(b) of the Commission's rules would be inequitable, unduly burdensome and contrary to the public interest, and Bachow/Coastel has no reasonable alternative. During a complaint proceeding against another carrier (see *Bachow/Coastel, L.L.C. v. GTE Wireless of the South, Inc.*, File No. WB/ENF-F-98-005), Bachow/Coastel learned that the coordinates that it filed with the Commission for Location 28 of call sign KNKA412 were incorrect. Bachow/Coastel hired an offshore surveyor to determine the correct coordinates, and informed the Commission of the correct coordinates during this complaint proceeding.

After completing the engineering required for a modification application, Bachow/Coastel attempted to file a Form 601 to correct Location 28's coordinates through the Commission's ULS system.² However, the transmission to the Commission's ULS server stalled when the Radial Data page appeared on the computer screen, and the information fields on the screen would not "light" to allow data to be entered.

Bachow/Coastel made several attempts to file its Form 601, but was foiled every time the application reached the Radial Data page. Bachow/Coastel contacted several staff members of the FCC Technical Assistance Hotline and provided its Taxpayer Identification Number and password to the Commission's staff members so that they could attempt to complete the on-line application. None of the Commission's staff members could continue Bachow/Coastel's application past the Radial Data page.

¹ *WAIT Radio v. F.C.C.*, 418 F.2d 1153, 1157 (1969)

² *See Exhibit One.*

After four days of discussions with the Commission's staff, one staff member reported that Bachow/Coastel's inability to file its modification application was due to the pendency of another Bachow/Coastel modification application filed with the Commission on August 27, 1999 (File No. 0000020871). This Commission staff member informed Bachow/Coastel that ULS would not allow a modification application to be filed for a call sign during the pendency of another modification application for the same call sign. He recommended that Bachow/Coastel contact the FCC's Gettysburg, PA offices to determine whether Bachow/Coastel's previous modification application was still pending.

Bachow/Coastel contacted the FCC's Gettysburg, PA offices, which informed Bachow/Coastel that it could not provide information concerning the pendency of an application, but that Bachow/Coastel should commence filing a new application as an "Amendment" to its previous modification application. Bachow/Coastel attempted to do so, but the application process again stalled at the Radial Data page. Bachow/Coastel again engaged in teleconferences with Commission staff members, and made many attempts to file electronically the correct coordinates for Location 28, futilely.

Eventually, nine days after it made its first electronic attempt at correcting Location 28's coordinates, and after discussions with no fewer than eight different Commission staff members, a Commission staff member informed Bachow/Coastel that its August 27, 1999 modification application was in "Pending II" status, meaning that Bachow/Coastel could not amend its pending modification application. At that point, Bachow/Coastel requested and received permission from a Commission official to correct Location 28's coordinates through a paper filing with the Commission.

Considering these unique and unusual facts, allowing Bachow/Coastel to file Location 28's correct coordinates now through a paper filing with the Commission would serve the public interest, as opposed to requiring Bachow/Coastel to wait for the grant of its August 27, 1999 modification application. Clearly, the public interest supports the Commission having correct information concerning cell sites' whereabouts in its database. Furthermore, the role that Location 28 has in the aforementioned complaint proceeding adds a heightened urgency to Bachow/Coastel's Form 601 filing. Bachow/Coastel also has no reasonable alternative to filing the foregoing Form 601 with the Commission on paper, as ULS will block any such electronic filing.

For all of the foregoing reasons, Bachow/Coastel respectfully requests that the Commission accept its paper filing to correct Location 28's coordinates.

Federal Communications Commission

ULS Online Filing

Application status	Date Entered	File Number/Call Sign	Purpose	Radio Service	Licensee Name
Incomplete	Dec 13 1999 2:34PM	N/A	Modification	Cellular	BACHOW/COASTEL LLC

If you select a 'Complete' application from this list and make modifications to it, you must click the Submit button or the application will change to an 'Incomplete' status.

[Select New Filing](#)[?](#)[Home](#)[Login](#)[Register/Submit Pack](#)[Assignees/Transferees](#)